**HON. JOHN C. COUGHENOUR**

# IN THE UNITED STATES DISTRICT COURT
# FOR THE WESTERN DISTRICT OF WASHINGTON

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| **A. J, ANTONIO J.,** | **) NO. 2:16-cv-620-JCC** |
| **LUCIANA ZEFERINO,** | **)** |
| | **) PLAINTIFFS' MOTION FOR LEAVE TO** |
| | **) AMEND THE COMPLAINT** |
| | **)** |
| | **)** |
| **PLAINTIFFS,** | **) Noted for December 22, 2016** |
| | **)** |
| **v.** | **)** |
| | **)** |
| **CITY OF BELLINGHAM, et al.,** | **)** |
| | **)** |
| **DEFENDANTS** | **)** |
| ______________________________ | **)** |

Plaintiff A. J by and through his counsel, hereby Pursuant to FRCP 15(a)(2), Plaintiff, through her counsel of record hereby moves this court for leave to file an Amended Complaint in this matter to add the US Border Patrol (CBP/DHS), Border Patrol Agent R. Chavez, Border Patrol Agent Doe 501, and Deputy Border Patrol Chief Patrol Agent

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ATTORNEY FOR PLAINTIFFS

Chris Bippley under a Bivens Theory and two accompanying Bivens causes of action. (See *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971).

The facts and reasons are as follows:

1) It has become clear through the court's order on Summary Judgment that the Border Patrol and the agents are necessary parties to this action, and Plaintiff acts immediately to so add them.

2) This proposed amendment will not affect any of the present parties and involves minimal additional facts, adding only names of the known responsible Border Patrol personnel..

3) This motion comes well within the statutory two years from the time of the incident (June 20, 2015), and thus there is no statute of Limitations or Prejudice Issue

4) New Defendants are already on Notice as Plaintiff filed an Civil Rights Complaint w2ith the Department of Homeland Security's Office for Civil Rights and Civil Liberties on February 2, 2016.

5) This case is still in the early stages: no status conference has been held, nor has any discovery been propounded by either side, so again, no prejudice will befall the new parties, or the present ones.

6) This amendment is in the interest of justice allowing all relevant parties to be included in one action.

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Respectfully Submitted:

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December 7, 2016,

____/S/LAWRENCE A. HILDES________________

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Attorney for PLAINTIFFS A.J. ANTONIO J., AND JULIANA ZEFEREINO

## PROOF OF SERVICE

Lawrence A. Hildes certifies as follows:

I am over the age of 18 years, and not a party to this action. I am a citizen of the United States.

My business address is P.O. Box 5405, Bellingham, WA 98227

On December 7, 2016, I served the following documents(s) described as follows

PLAINTIFFS' MOTION FOR LEAVE TO AMEND

**SHANE BRADY**
Bellingham City Attorney's Office
210 Lottie Street
Bellingham, WA 98225

[ ](BY FIRST CLASS MAIL) to named Defendant by placing a true copy of the above documents in a sealed envelope with postage fully prepaid in the mail at Bellingham, WA, addressed to the person(s) above at the above address

[ X ] By electronic notice, by filing the case lectron8call and therefore cuasimng it to be served on

[X] (FEDERAL) I declare under penalty of perjury that I am a member of the BAR of this court, and that the above information is true and correct.

Executed on December 7, 2016, at Bellingham, Washington.

_/S/__ Lawrence A. Hildes
Lawrence A. Hildes

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